

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss.

CIVIL SERVICE COMMISSION

One Ashburton Place: Room 503
Boston, MA 02108
(617) 727-2293

RE: Request for Investigation against the Town of Ludlow by David Belanger
Tracking Number: I-14-72

Appearance for Petitioner:

Pro Se
David Belanger

Appearance for Town of Ludlow:

Stanley L. Weinberg, Esq.
47 Memorial Drive
Shrewsbury, MA 01545

Commissioner:

Christopher C. Bowman

RESPONSE TO REQUEST FOR INVESTIGATION

On March 20, 2014, the Petitioner, David Belanger (Mr. Belanger) filed a request for the Civil Service Commission (Commission) to conduct an investigation into “the Town of Ludlow [Town]’s promotional practices.”

On April 23, 2014, I held a meeting at the Springfield State Building to allow Mr. Belanger to show why the Commission should conduct an investigation. The meeting was attended by counsel for the Town, the Town’s Provisional Police Chief, the Town Administrator and Mr. Belanger.

Mr. Belanger has filed two prior appeals with the Commission, contesting the Town’s decision to bypass him for promotional appointment to Sergeant. In 2007, the Commission allowed Mr. Belanger’s bypass appeal and ordered his name placed at the top of the next Certification for Sergeant to ensure his reconsideration.

After being bypassed for promotional appointment again in 2012, Mr. Belanger filed his second bypass appeal with the Commission. Prior to a full hearing, the parties reached a settlement agreement and, pursuant to that agreement, the Commission entered an order again placing Mr. Belanger’s name at the top of the next Certification.

In May 2013, the Town promoted Mr. Belanger to Sergeant.

I carefully reviewed the statements of Mr. Belanger from the April 23, 2014 meeting as well as the entirety of his written submission, including the DVDs that were attached to the written submission.

Mr. Belanger's complaints can be grouped into three categories. First, Mr. Belanger reiterates his concerns about the Town's decision to bypass him in prior years. Since those issues have already been reviewed and adjudicated by the Commission, this does not warrant an investigation.

Second, Mr. Belanger argues that the Town erred by deeming him ineligible to sit for a promotional examination for Lieutenant that had been scheduled for October 2013. It does appear that Mr. Belanger was indeed eligible to sit for that promotional examination, as he was in the next lower title of sergeant at the time of the examination and his name first appeared on a Certification for Sergeant at least one year (actually several years ago) prior to the date of the examination. However, since that examination was canceled / rescheduled and no candidates were allowed to sit for that examination, there is no relief that would be appropriate here, even if Mr. Belanger were to show that he was aggrieved.

Third, Mr. Belanger raises more global issues, alleging that the current Provisional Chief and Board of Selectmen are biased against him and are seeking to prevent him from any further promotions. For example, Mr. Belanger's written submission states in part: "On May 7, 2013, I was promoted to sergeant but only after given an interview where I was humiliated and degraded. Its sole intent was to destroy my credibility to prevent future promotions."

I reviewed the DVD that Mr. Belanger submitted of the May 7th meeting in question. There is a disturbing disconnect between Mr. Belanger's statements regarding this meeting and reality. As part of that interview, the Board of Selectmen heaped praise on Mr. Belanger, thanking him for his military service and his nineteen (19) years of service to the Town. The Board's Chairman, in a deeply personal manner, thanked Mr. Belanger for helping save the life of a family member. Another member of the Board praised Mr. Belanger for his focus on teamwork. There appeared to be genuine goodwill toward Mr. Belanger by all members of the Board who promptly voted to approve his promotion and congratulated him on his promotion.

For all of the above reasons, an investigation under G.L. c. 31, § 2(a) is not warranted here; the request for investigation is denied; and the matter is closed.

Civil Service Commission

Christopher C. Bowman
Chairman

By a vote of the Civil Service Commission (Bowman, Chairman; Ittleman, McDowell, and Stein, Commissioners) on May 29, 2014.

A true record. Attest:

Commissioner

Notice:

David G. Belanger (Appellant)

Stanley L. Weinberg, Esq. (for Town of Ludlow)

John Marra, Esq. (HRD)